



General Assembly

Amendment

May Special Session, 2016

LCO No. 6447



Offered by:
SEN. FASANO, 34th Dist.

To: Senate Bill No. 505

File No.

Cal. No.

"AN ACT CONCERNING A SECOND CHANCE SOCIETY."

1 Strike section 28 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 28. Section 54-64a of the general statutes is repealed and the
4 following is substituted in lieu thereof (Effective October 1, 2016):

5 (a) (1) Except as provided in [subsection (b)] subsections (b) and (c)
6 of this section, when any arrested person is presented before the
7 Superior Court, said court shall, in bailable offenses, promptly order
8 the release of such person upon the first of the following conditions of
9 release found sufficient to reasonably ensure the appearance of the
10 arrested person in court: (A) Upon [his] such person's execution of a
11 written promise to appear without special conditions, (B) upon [his]
12 such person's execution of a written promise to appear with
13 nonfinancial conditions, (C) upon [his] such person's execution of a
14 bond without surety in no greater amount than necessary, or (D) upon
15 [his] such person's execution of a bond with surety in no greater

16 amount than necessary. In addition to or in conjunction with any of the
17 conditions enumerated in subparagraphs (A) to (D), inclusive, of this
18 subdivision, the court may, when it has reason to believe that the
19 person is drug-dependent and where necessary, reasonable and
20 appropriate, order the person to submit to a urinalysis drug test and to
21 participate in a program of periodic drug testing and treatment. The
22 results of any such drug test shall not be admissible in any criminal
23 proceeding concerning such person.

24 (2) The court may, in determining what conditions of release will
25 reasonably ensure the appearance of the arrested person in court,
26 consider the following factors: (A) The nature and circumstances of the
27 offense, (B) such person's record of previous convictions, (C) such
28 person's past record of appearance in court after being admitted to
29 bail, including whether such person has been charged with failure to
30 appear pursuant to section 53a-173, (D) such person's family ties, (E)
31 such person's employment record, (F) such person's financial
32 resources, character and mental condition, and (G) such person's
33 community ties.

34 (b) (1) When any arrested person charged with the commission of
35 (A) a class A felony, (B) a class B felony, except a violation of section
36 53a-86 or 53a-122, (C) a class C felony, except a violation of section 53a-
37 87, 53a-152 or 53a-153, [or] (D) a class D felony under sections 53a-60 to
38 53a-60c, inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114,
39 53a-136 or 53a-216, or [a] (E) any family violence crime, as defined in
40 section 46b-38a, is presented before the Superior Court, said court
41 shall, in bailable offenses, promptly order the release of such person
42 upon the first of the following conditions of release found sufficient to
43 reasonably ensure the appearance of the arrested person in court and
44 that the safety of any other person will not be endangered: [(A)] (i)
45 Upon such person's execution of a written promise to appear without
46 special conditions, [(B)] (ii) upon such person's execution of a written
47 promise to appear with nonfinancial conditions, [(C)] (iii) upon such
48 person's execution of a bond without surety in no greater amount than
49 necessary, [(D)] or (iv) upon such person's execution of a bond with

50 surety in no greater amount than necessary. In addition to or in
51 conjunction with any of the conditions enumerated in [subparagraphs
52 (A) to (D), inclusive, of] this subdivision, the court may, when it has
53 reason to believe that the person is drug-dependent and where
54 necessary, reasonable and appropriate, order the person to submit to a
55 urinalysis drug test and to participate in a program of periodic drug
56 testing and treatment. The results of any such drug test shall not be
57 admissible in any criminal proceeding concerning such person.

58 (2) The court may, in determining what conditions of release will
59 reasonably ensure the appearance of the arrested person in court and
60 that the safety of any other person will not be endangered, consider the
61 following factors: (A) The nature and circumstances of the offense, (B)
62 such person's record of previous convictions, (C) such person's past
63 record of appearance in court after being admitted to bail, including
64 whether such person has been charged with failure to appear pursuant
65 to section 53a-173, (D) such person's family ties, (E) such person's
66 employment record, (F) such person's financial resources, character
67 and mental condition, (G) such person's community ties, (H) the
68 number and seriousness of charges pending against the arrested
69 person, (I) the weight of the evidence against the arrested person, (J)
70 the arrested person's history of violence, (K) whether the arrested
71 person has previously been convicted of similar offenses while
72 released on bond, and (L) the likelihood based upon the expressed
73 intention of the arrested person that such person will commit another
74 crime while released.

75 (3) When imposing conditions of release under this subsection, the
76 court shall state [for] on the record any factors under subdivision (2) of
77 this subsection that it considered and the findings that it made as to
78 the danger, if any, that the arrested person might pose to the safety of
79 any other person upon the arrested person's release that caused the
80 court to impose the specific conditions of release that it imposed.

81 (c) Except in the case of an arrested person charged with failure to
82 appear pursuant to section 53a-173, or a family violence crime, as

83 defined in section 46b-38a, or if the court makes a finding on the record
84 that the arrested person would pose a risk to the safety of another
85 person upon release, when any arrested person, charged with no crime
86 other than a misdemeanor, is presented before the Superior Court, said
87 court shall promptly order the release of such person upon the first of
88 the following conditions of release found sufficient to reasonably
89 ensure the appearance of the arrested person in court: (1) Upon such
90 person's execution of a written promise to appear without special
91 conditions, (2) upon such person's execution of a written promise to
92 appear with nonfinancial conditions, or (3) upon such person's
93 execution of a bond without surety in no greater amount than
94 necessary. In addition to or in conjunction with any of the conditions
95 enumerated in subdivisions (1) to (3), inclusive, of this subsection, the
96 court may, when it has reason to believe that the person is drug-
97 dependent and where necessary, reasonable and appropriate, order the
98 person to submit to a urinalysis drug test and to participate in a
99 program of periodic drug testing and treatment. The results of any
100 such drug test shall not be admissible in any criminal proceeding
101 concerning such person.

102 [(c)] (d) If the court determines that a nonfinancial condition of
103 release should be imposed pursuant to [subparagraph (B) of
104 subdivision (1) of] subsection (a), [or (b)] (b) or (c) of this section, the
105 court shall order the pretrial release of the person subject to the least
106 restrictive condition or combination of conditions that the court
107 determines will reasonably ensure the appearance of the arrested
108 person in court and, with respect to the release of the person pursuant
109 to subsection (b) of this section, that the safety of any other person will
110 not be endangered, which conditions may include an order that the
111 arrested person do one or more of the following: (1) Remain under the
112 supervision of a designated person or organization; (2) comply with
113 specified restrictions on such person's travel, association or place of
114 abode; (3) not engage in specified activities, including the use or
115 possession of a dangerous weapon, an intoxicant or a controlled
116 substance; (4) provide sureties of the peace pursuant to section 54-56f

117 under supervision of a designated bail commissioner or intake,
118 assessment and referral specialist employed by the Judicial Branch; (5)
119 avoid all contact with an alleged victim of the crime and with a
120 potential witness who may testify concerning the offense; (6) maintain
121 employment or, if unemployed, actively seek employment; (7)
122 maintain or commence an educational program; (8) be subject to
123 electronic monitoring; or (9) satisfy any other condition that is
124 reasonably necessary to ensure the appearance of the person in court
125 and that the safety of any other person will not be endangered. The
126 court shall state on the record its reasons for imposing any such
127 nonfinancial condition.

128 ~~[(d)]~~ (e) If the arrested person is not released, the court shall order
129 ~~[him]~~ such person committed to the custody of the Commissioner of
130 Correction until ~~[he]~~ such person is released or discharged in due
131 course of law.

132 ~~[(e)]~~ (f) The court may require that the person subject to electronic
133 monitoring pursuant to subsection ~~[(c)]~~ (d) of this section pay directly
134 to the electronic monitoring service provider a fee for the cost of such
135 electronic monitoring services. If the court finds that the person subject
136 to electronic monitoring is indigent and unable to pay the costs of
137 electronic monitoring services, the court shall waive such costs. Any
138 contract entered into by the Judicial Branch and the electronic
139 monitoring service provider shall include a provision stating that the
140 total cost for electronic monitoring services shall not exceed five
141 dollars per day. Such amount shall be indexed annually to reflect the
142 rate of inflation."